

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA

Criminal Action No. 4:18cr00011

v.

KEVIN L. TRENT, JR.

MOTION TO DISMISS FOUR § 1959(a) VICAR COUNTS IN THE INDICTMENT

Comes now the defendant, Kevin L. Trent, Jr., by counsel, before trial as required by Rule 12(b)(3)(b)(v) of the Federal Rules of Criminal Procedure, and moves the Court to dismiss counts four, eight, fourteen, and eighteen of the First Superseding indictment, ECF No. 207, for failing to state an offense.

The aforementioned counts each charge that the Defendant, in violation of 18 USC § 1959(a), in aid of a racketeering enterprise did assault an individual with a dangerous weapon in violation of Virginia Code § 18.2-282. However, Virginia Code § 18.2-282 cannot serve as a predicate offense as alleged in the Indictment.

Respectfully submitted this 20th day of February, 2019,

KEVIN L. TRENT, JR.

By Counsel

/s/ Aaron L. Cook
Counsel for Mr. Trent

/s/ James C. Turk
Counsel for Mr. Trent

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to all parties.

/s/ Aaron L. Cook
Counsel for the defendant